THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 8561 of 2006

Date:06-07-2007

Between:

K.Koteswara rao .. **PETITIONER**

AND

The Government of India, rep. By its Secretary, Ministry of Petroleum, New Delhi and another .. **RESPONDENTS**

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the second respondent in not appointing the petitioner as LPG dealer at Nalgonda in pursuance of the interview held on 19.03.2001, as illegal and arbitrary.

It is stated that pursuant to the notification issued by the second respondent on 09.06.1998 calling for applications for allotment of LPG distributorship at Nalgonda, Nalgonda District under open category, no one was selected and therefore, the said dealership was re-notified on 16.07.2000. Pursuant to the said notification, the petitioner, one Smt.N.Lakshmi and A.P.State Civil Supplies Corporation were applied for the same. It is stated that the petitioner placed in third position while the said N.Lakshmi placed in first position and the A.P.State Civil Supplies Corporation placed in second position. It is stated that the said dealership was not allotted either to the petitioner or to the A.P.State Civil Supplies Corporation who stood second position. Smt.N.Lakshmi who stood first place was found ineligible and her selection was cancelled in view of the orders of the Hon'ble Supreme Court.

A counter has been filed by the second respondent stating that in the event of the award of the dealership/distributorship in favour of the first candidate in the merit panel being cancelled/set aside, the Corporation is required as per the norms to offer the dealership/distributorship to the next candidate in the merit panel. But, in the present case, the petitioner stood at the third position in the merit panel and therefore he cannot be allowed and the A.P.State Civil

Supplies Corporation is alone entitled for the distributorship. It is stated that the LPG distributorship at Nalgonda District is presently being run on ad-hoc basis under the control of M/s. Sri Venkateswara Indane Gas, Huzurngar. It is further stated that the said system shall be continued till such time a regular distributor is appointed in accordance with the rules.

The only grievance of the petitioner is that the second respondent Corporation cannot allow the ad-hoc dealer to continue on permanent basis and the action of the respondents in not re-notifying the said dealership calling for the applications from the eligible applicants is illegal and arbitrary and without any basis.

I am of the opinion that when the dealership of LPG is intended to be notified inviting applications from the eligible applicants, there is no justification on the part of the respondents to continue the said dealership on ad-hoc basis by M/s. Sri Venkateswara Indane Gas, Huzurnagar.

Having regard to the facts and circumstances of the case, the respondents are directed to re-notify the LPG distributorship at Nalgonda, Nalgonda District in accordance with law and take expeditious steps for the appointment of regular LPG distributor in accordance with law.

With the above observations, the writ petition is disposed of. No costs.

V.ESWARAIAH, J.

Date:06.07.2007
CCM